

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **June 9, 2015 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood

6 Roll Call of City Council Members: Mayor Calderwood

7 Attendance: Jeff Baldwin, Bill Bagley, Ralph Call, John Drew

8 Excused: John Russell

9 Pledge of Allegiance: Mayor Calderwood

10
11 **Approval of the minutes**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes of May 12, 2015 City Council
13 meeting.

14 **Motion to approve the minutes with the following corrections: J Baldwin, second – B Bagley**

- 15 • Page 2, line 19 - city administrator
- 16 • Page 3, line 25 – tax records \$12,00 for the 4 pads and building. \$1,475,500 includes building and .27 acre
17 property immediately east.
- 18 • Page 5, line 21 - Chad Jensen

19 **Vote: Yea: J Baldwin, B Bagley, R Call, J Drew**

20 **Nay: None**

21 **Abstained: None**

22 **Excused: J Russell**

23 **Item No. 2.** The Providence City Council will consider approval of the minutes of June 2, 2015 City Council meeting.

24 **Motion to approve the minutes with the following corrections: J Baldwin, second – B Bagley**

- 25 • Page 2, line 13 – remove start here.

26 **Vote: Yea: J Baldwin, B Bagley, R Call, J Drew**

27 **Nay: None**

28 **Abstained: None**

29 **Excused: J Russell**

30 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's
31 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total
32 time allotted to public comment is 15 minutes The City Council may act on an item, if it arose subsequent to the
33 posting of this agenda and the City Council determines that an emergency exists.

- 34 • Dwight Cook, feels the City shouldn't buy the proposed building. He has asked several citizens if they
35 approve of the purchase of the building and they were not in favor. He feels the citizens of Providence
36 want the money spent on roads, lowering fees and reducing the city debt.
- 37 • Kirk Allen, resident, he feels like the purchase is a good decision. The current building is not ADA
38 compliant. The building is not safe for personnel. Storage boxes are being stored in the restrooms. Roads,
39 water and parks will always need monies. He feels the proposed building is a benefit to the City.
- 40 • John Clay, resident, does not favor the purchase. He does not like chip seal and recommends 1/16 inch on
41 asphalt instead. He would like to see expenditures to upgrade current building.
- 42 • Rex Hamilton, he feels the City should reduce debt and lower fees. Has a concern about old water pipes
43 and leaks. Feels the council has ignored water shortages for years. Feels the City should be cautious and
44 conservative.
- 45 • Darcy Rees, was surprised that there was money for a new building while there seems to be a shortage of
46 money for road repairs.
- 47 • Kathleen Alder, has concerns about the new building. Feels the building should not be out of the
48 downtown area. Suggested the money could be used for a second floor on the building. \$1.2 million is too
49 much for a building that is too big. Feels the citizens should be allowed to vote on this decision.
- 50 • Theron Mills, opposes the new building. City has reduced man power and he feels through efficiencies the
51 City could make the building work. The roads need to be addressed, they are horrible. They are in such
52 poor condition he was not able to bring his wife home after a severe illness because the roads were too
53 rough for her to ride in the car.

- Don Briel, opposes a large expensive new building. Handicap access can be fixed. Has many out of town visitors who complain about the roads. The roads are a need and the building is a want.
- Delwin Weldon, lived here since 1985. Historic downtown sidewalks and roads have deteriorated. He would like the \$1.3 million to be put into infrastructure.
- Brian Shoell, asked when the building purchase was announced. He has been in the building and wanted to buy it a couple of years ago. It is a small chopped up building. Asked if there has ever been an agenda item to update the bathrooms and make them ADA compliant. Feels there needs to be a public debate.
- Scott Swenson, opposes the building purchase. He understands that the balance in general fund can only be so much. However, capital projects fund can have an infinite amount of money towards specific projects. That money could go to roads and other capital type expenditures.
- Jan Blau, for as long as he has lived here he has heard talk about needing new building. He thinks going up a story is a good idea. Suggested adding solar panels.
- Rowan Cecil, said in the meeting last month 90% of the people in the meeting were in support of the building. He feels with the projected growth there is a need. He too has spoken with a hundred people and everyone he spoke to was in favor of the new building.
- Keith Thompson, the City owns the library and helps support the library as far as maintenance and power. Wonders why the county can't move the library and the city use that building. He does not feel the building is a real necessity and feels the money should go into the roads.
- John Rutledge Jr., favors the building. The Herald Journal is not accurately portraying the facts. This money has been set aside for the building, not for doing roads. The city is going to continue to grow and he feels the City shouldn't wait any longer to purchase a more expensive building.
- John Drew presented a petition from Steve Jenson with 24 signatures of residents who oppose the building. Read petition and names of signatures.
- Bill Bagley asked if Brent Speth could speak to the Council regarding the fire safety of the building. Brent Speth was not allowed to comment.

Mayor closed public comments at 6:45 pm.

Public Hearing 6:15 pm: Prior to approving the 2016 Budgets for all Funds (General, Capital Project, Water, Sewer, and Storm Water), the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposed budgets before action is taken. The City Council invites you to attend the hearing in order to offer your comments.

- No public comments.

Business Items:

Item No. 1. Resolution 014-2015. The Providence City Council will consider for adoption a resolution approving the proposed 2016 Budgets for all funds (General, Capital Project, Water, Sewer, and Storm Water).

Motion to approve resolution 014-2015: J Baldwin, second – B Bagley

- S Bankhead said the budget will take effect July 1, 2015 through June 30, 2016. Street department budget is \$644,500 with over \$325,000 going to general road maintenance and upkeep. \$500,000 will be transferred from C Funds for roads. Reviewed the road projects that have been done in the past year.
- R Call said 2015/2016 budget reflects the ravages that are brought about by the adjustments to the 2014/2015 budget to purchase the building. Capital projects are severely underfunded in the new budget. The City needs more money for roads, water, a new well and a water tower. There is too much money in the budget for raises for staff. Felt 3% raises with the 50% follower that goes with fringe benefits is way above inflation rates. This budget does not include paying the city debts. For those reasons, he is opposed to the new budget.
- S Bankhead said all the items discussed by R Call were discussed during the workshop and he did not request any corrections be made to the budget during the workshop.
- Mayor Calderwood said the bond for the water will be before the Council, but at a later date.
- B Bagley asked if the water bond was the only debt the city owned. S Bankhead said it is the only debt the City has.
- J Baldwin asked about the 3% increase.
- R Call said there is more than just the 3% pay raise, it also includes benefits. Ends up costing the city about 4.5%.
- S Bankhead said that applies to a portion of the benefits; there is a huge portion that is insurance related

1 but it doesn't matter what the rate is, those insurance premium increases still go into effect. The city stays
2 compliant and does not overspend on benefit dollars. It will impact withholdings, social security, etc.

- 3 • Theron Mills asked if the money was not spent on the building, could the budget be adjusted to include
4 that \$1 million in the roads budget.
- 5 • J Drew said the building portion is in the 2015 budget, which has already been amended to accommodate
6 the purchase of the building.
- 7 • S Bankhead said it wouldn't bring the total \$1 million for roads.
- 8 • R Call said other money was taken from other infrastructure funds.

9 **Vote:** **Yea:** **J Baldwin, B Bagley, J Drew**
10 **Nay:** **R Call**
11 **Abstained:** **None**
12 **Excused:** **J Russell**

13 **Item No. 2. Discussion:** Bob Fotheringham, Cache County Water Manager, will review the proposed Cache County
14 Water Conservancy District.

- 15 • Bob Fotheringham presented a slide show for the water master plan for Cache County.
- 16 • R Call asked where the conservancy district gets its authority and how far that authority extends.
- 17 • B Fotheringham said the county grants authority to the Conservancy District, but the County itself has no
18 authority over the water. The Conservancy District has a board, but they do not manage existing water
19 rights for any municipality. It has to acquire its own water rights. The Conservancy District or the County
20 can acquire water rights from the Bear River allocation, but municipalities cannot.
- 21 • Mayor Calderwood asked if the Conservancy had any authority over rights that were not being put to
22 beneficial use.
- 23 • B Fotheringham said the board could offer representation and if you needed help putting the shares to
24 use, the board could help with that. He feels the Conservancy's intent is to help, not manage other
25 people's water rights.
- 26 • R Call asked about ground water rights.
- 27 • B Fotheringham said ground water rights are our waters (Cache County's).
- 28 • R Call asked if other water districts could buy water rights from ground waters in Cache County.
- 29 • B Fotheringham said currently they can. If the County forms a District, then the District could protect that
30 water.
- 31 • B Fotheringham said the Conservancy District can do more at the State level than the County can do as far
32 as managing and protecting waters.
- 33 • B Speth also commented that elected officials at the State level tend to listen to conservancy districts
34 more than local reps.
- 35 • There was some discussion on the process of forming a District.
- 36 • J Baldwin asked what the plan was for water storage.
- 37 • B Fotheringham said Cutler Dam, the Cub River and Temple Fork are all sites that could be considered for
38 storage. Cost would be about \$60 million.

39 **Item No. 3. Ordinance 2015-014:** The Providence City Council will consider for adoption an ordinance rezoning
40 1.198 acres of property from Agricultural (AGR) to Single-Family Traditional (SFT). The property is located at
41 approximately 240 South 325 West, Providence.

42 **Motion to approve Ordinance 2015-014: R Call, second – J Drew**

- 43 • S Bankhead said this is the Zollinger/Gustaveson subdivision. In order to do the subdivision the zoning
44 needs to be changed. S Bankhead said this went through Planning Commission and the Commission
45 recommended the rezone. The zone fits the surrounding areas.

46 **Vote:** **Yea:** **J Baldwin, B Bagley, R Call, J Drew**
47 **Nay:** **None**
48 **Abstained:** **None**
49 **Excused:** **J Russell**

50 **Item No. 4. Ordinance 2015-015:** The Providence Council will consider for adoption an ordinance amending
51 Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations and Parking Regulations, Section 1
52 Area Regulations and Section 3 Setbacks allowing attached uncovered decks to extend into the rear setback and
53 making changes to the area regulations chart.

Motion to approve Ordinance 2015-015: J Baldwin, second – R Call

- S Bankhead said according to city code, a deck is part of the main building if it is attached (covered or uncovered) and it has to meet the setback requirements. This went to a public hearing and Planning Commission and the Commission recommended City Council approve the code amendment. It will help standardized the use chart, makes it clear that on a 12,000 sq. ft. lot you can only have one residential structure unless you have shared walls. Fence heights are referenced in the appropriate chapters of the code. Defines deck. Covered decks are still going to be treated as a part of the house, but an uncovered deck will not be.
- R Call asked if a partially covered deck would be allowed to extend into the setback.
- S Bankhead said the uncovered portion could extend, but it could not take up more than 25% of the rear yard.
- J Baldwin said he would like to see this include an allowance for the front yard setback to allow for a landing.
- S Bankhead said it would be better to approve as is and then the City could go through the appropriate steps to allow for front yard setbacks.
- R Call asked if the front yard setback issue could be addressed through a variance.
- J Baldwin said it could be, but feels it would be better to go through Planning Commission.

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew

Nay: None

Abstained: None

Excused: J Russell

Item No. 5. Resolution 015-2015: The Providence City Council will consider for adoption a resolution amending the Providence City Personnel Policy Section 9 Retirement, by classifying elected officials as part-time.

Motion to adopt Resolution 015-2015: R Call, second – J Drew

- S Bankhead said when the economy dipped the state looked at retirement funds and made some changes. The City now has to designate elected officials as either part or full time employees.

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew

Nay: None

Abstained: None

Excused: J Russell

Item No. 6. Resolution 017-2015: The Providence City Council will consider for adoption a resolution awarding the bid for Project No. 15-015 Highway 165 Utility Crossing.

Motion to approve Resolution 017-2015: J Baldwin, second – B Bagley

- R Eck said there was a problem with the four bids. NW King & Sons has asked to withdraw their bid. He asked the Council to accept the bid from DL2.

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew

Nay: None

Abstained: None

Excused: J Russell

Item No. 7. Resolution 018-2015: The Providence City Council will consider for adoption a resolution awarding the bid for Project No. 15-024, 1000 South Street Roadway Repair.

Motion to adopt Resolution 018-2015: R Call, second – J Drew

- R Eck reviewed bids for this project. He asked the Council to award the project to Staker Parsons.

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew

Nay: None

Abstained: None

Excused: J Russell

Item No. 8. Resolution 016-2015: The Providence City Council will consider for adoption a resolution approving a Real-Estate Purchase Contract between Providence City and Russell Properties LLC for a building located at 164 North Gateway Drive, Providence UT.

Motion to adopt Resolution 016-2015: B Bagley, second – J Baldwin

- R Call commented that none of the funds reallocated were ever allocated for the purchase of this building

1 until budget adjustments. All funds were taken from other funds that are severely underfunded. To
2 replenish the funds will surely require a property tax increase within the next few years. Every year he
3 recommends paying off the debt. The purchase of the building is a mistake for many other reasons. No
4 need has been established, proper alternatives have not been explored. This action is irresponsible.

- 5 • J Drew said comments he heard were that there needs to be more public discussion for a purchase this
6 size. The current property is going to be abandoned. It will be difficult to sell. Whoever purchases this
7 building will have to bring it up to code, which severely devalues the property. He feels residents' first
8 priority is to upgrade roads.
- 9 • Mayor Calderwood said the City has looked at a lot of properties. All properties considered had expense
10 or other issues to deal with.
- 11 • J Drew suggests moving Public Works to the Public Works shed on Center Street. He worked on a project
12 for the City of Hyrum. He visited every city hall in Cache County. Most of them don't meet code and they
13 are ugly. Those things are not criteria for a new building.
- 14 • B Bagley commented that some of the facts on the radio and in the paper have been distorted. Roads
15 seem to be the main concern. People are thinking that if the building isn't purchased then they will get a
16 new road in front of their home. That is not so.
- 17 • R Eck said Center Street repairs were \$50,000 on one block with no curb, gutter and sidewalk. Today's
18 prices would be about \$80,000 to rehabilitate a dead road.
- 19 • B Bagley said we have outgrown this building. He would like the Council to look forward to what the
20 needs of the City will be. He feels the opportunity and the money are available and the purchase should
21 be pursued.
- 22 • Mayor Calderwood asked for comments on the commercial inspection that was done on the proposed
23 building.
- 24 • J Baldwin said there was nothing found that would be a red flag for the building. Most of the comments
25 from the inspector were preventive maintenance types of issues. He does not feel there was anything in
26 the report to indicate that the City should not purchase that building.
- 27 • Mayor Calderwood commented that the chairman of the Bear River Health Committee has been looking
28 at this same building. The owner of the building has made it clear that he is not going any lower on the
29 price of the building. He owns it outright. The fact that the City can pay cash for the building has helped
30 negotiate the price down. This has not been a quick rash approach.
- 31 • J Baldwin said we do need to keep working on the roads. But he is not in favor of postponing the purchase
32 of this new building in order to fix 4-6 roads.

33 **Vote:** **Yea:** **B Bagley, J Baldwin**
34 **Nay:** **R Call, J Drew**
35 **Abstained:** **None**
36 **Excused:** **J Russell**

37 **Mayor voted in favor of the purchase as a tie-breaking vote.**

38 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 39 • R Eck:
 - 40 ○ Public Works is ready to pump from Hampshire pond to Hampshire Park. Tonight at 10 will be
 - 41 the first run. Randy will be at the Park to see how that goes. He feels there is enough water in the
 - 42 pond to irrigate the park and provide water to all the homes.
 - 43 ○ B Bagley asked about the boring on Highway 165.
 - 44 ○ R Eck said they will be notified tomorrow. Work should begin in about 3 weeks.
 - 45 ○ J Baldwin said the NW corner of 3rd East and 2nd North has a power pole that was hit by a trailer.
 - 46 He feels it is a safety hazard and would like Randy to talk UPL to take care of the issue. Randy said
 - 47 he will do what he can to get them to come and fix the pole.
- 48 • S Bankhead:
 - 49 ○ Reviewed the report given to the Council. Invoice register is attached to the back of the report.
 - 50 Declaration of Candidacy – 7 people have declared for the three seats that will be vacated. Jeff
 - 51 Turley, Rowan Cecil, Roy Sneddon, Kirk Allen, Michael Harbin, Sandra Checketts and Dennis Giles.
 - 52 There will be a primary election.

- She was asked to ask the Council if all proceeds from the cowboy golf course were donated to the City, would make any difference to the City to revisit the issue.
- R Call asked if this was a temporary rezoning request.
- S Bankhead said the owner (Stan Checketts) has always wanted a temporary period to see if his idea would sell, but the ordinance does not allow for a temporary business. She said an expiration could be tied to it, but no temporary permission could be given without changing the ordinance.
- The Council was not in favor of allowing this.
- She thanked everyone who contributed to and supported Celebrate Providence. The run numbers were up. The weather was nice.
- J Drew asked about the land disturbance ordinance. S Bankhead said it has to do with the Highlands, but also slopes in other areas.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- B Bagley – no comment.
- J Drew – sauerkraut dinner was discussed with Skarlet. Canning the cabbage may be an issue. She suggested perhaps city staff could help with that.
- R Call – no comment.
- J Baldwin – no comment.
- Mayor Calderwood:
 - Met with the six cities' mayors and a proposal for an inter-local agreement with Logan. He feels the other cities will go with Logan. He also reported on the proposal to form a southern inter-local agreement with Hyrum and Nibley. Neither proposal is looking positive at this time.
 - B Bagley asked about Nibley's position.
 - Mayor responded that Mayor Dustin is putting in an application with DWQ to form an inter-local.
 - John Rutledge asked if going with Hyrum would eventually end up being similar to an agreement with Logan.
 - J Drew said Providence would be a partial owner in the Hyrum agreement so the City would have a voice.
 - Met with representative from Division of Wildlife Resources asking them to repair the deer fence. To date they have not responded.

Motion to close R Call, second – J Baldwin

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew

Nay: None

Abstained: None

Excused: J Russell

Meeting adjourned at 8:55 pm

Minutes recorded and prepared by C Craven.



A handwritten signature in black ink, appearing to read "Don W. Calderwood". The signature is written in a cursive, flowing style.

Don W. Calderwood, Mayor

A handwritten signature in black ink, appearing to read "Skarlet Bankhead". The signature is written in a cursive, flowing style.

Skarlet Bankhead, City Recorder

City Council Meeting

June 9, 2015

Please Sign In

NameCity of Residence

Jan 4 1364

FRANK ASTLE

Jake Astle

Keith THOMSON

Roy V. Sneddon

Del' Luni Woods

Power Gen'l

Betsy Morris

Kathleen Adler

Don Boef

KARL NIEMANN

Nick Zollner

Sharell Farmer

Recreational Games

Next on slide 304
Largest Case A

Spencer → Joe C
Kurt Lewin B Sheldon

Narayan Pals

Darby Zies
Tokyo University of the Sea

John + Lucille Clay
1920 - 1921

Wes Bittner
B-L-Fl. Teacher

Bob Fotheringham

Yep,

yes.

YSS

YES

yes.

yes

Spies

/ yes

yes

707

YES

Yes

Providence

Prandeng p

PROVIDENCE
Rhode Island

Passive

Providence

Providence
Providence

Providence:

1st. Dark Clouds

Hyde Park (Cache County)

